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The Who, What and Why of Reagan's Prepublication Review

To the Editor:

On March 11, President Reagan signed a directive that requires, among other things, that Government officials with access to classified information sign agreements promising not to disclose that information. This requirement reinforces existing statutes and executive orders that already make such disclosures unlawful.

For certain officials with access to the most highly classified information, the directive requires an agreement that their proposed publications be subject to Government review to assure deletion of classified information. For many years, our intelligence agencies have required their employees to sign agreements providing for prepublication review. The validity of such agreements was sustained by the Supreme Court in its 1980 decision, Snepp v. United States.

In his column of March 17, "Reagan v. Madison," Anthony Lewis criticized the President's directive for extending the prepublication review system from the intelligence services to "hundreds of thousands of men and women throughout the Government."

This is not true. Only persons with access to sensitive compartmented information (S.C.I.) are covered by this aspect of the directive. S.C.I. is classified information subject to additional restrictions on dissemination because its disclosure could compromise particularly sensitive intelligence sources and methods.

Employees with access to S.C.I. number in the thousands, not hundreds of thousands, and the largest number of them work for intelligence agencies, where prepublication review is already required.

The President's directive simply extends to certain intelligence "consumers" in the Government the same restrictions that have customarily been applied to intelligence "producers."

This is only fair: a disclosure by a former Justice Department employee can be just as damaging to national security as such disclosure by a former C.I.A. employee. In both situations, the employee has a fiduciary obligation to safeguard the classified information entrusted to him. A prepublication review program provides a reasonable method of preventing disclosures by those employees who have had access to the most sensitive kind of classified information.

In practice, prepublication review has not been nearly as burdensome as Mr. Lewis suggests.

At the C.I.A., for example, a former employee does not "have to submit everything, however innocuous" for review. C.I.A. regulations provide that publications must be submitted only if they "make any mention of intelligence data or activities, or contain data which may be based upon information classified pursuant to law or Executive order."

In conducting review of a former employee's manuscript, the C.I.A. may only insist on deletion of classified information; it cannot require deletion of unclassified statements that are embarrassing or critical. By regulation, the C.I.A. attempts to complete its review in 30 days or less. Review is often accomplished more quickly for newspaper articles or speeches.

In extending the prepublication review requirement to certain officials outside the intelligence agencies, the President's directive does not require the other agencies to adopt a system identical to the C.I.A.'s. The rules can be tailored by other agencies to fit the unique needs and circumstances of their own employees. In all cases, however, the system must operate in a reasonable manner that is consistent with the individual's First Amendment rights.

The Snepp decision provides that judicial review is available to ensure that the prepublication review system is not abused by Government agencies.

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